

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

MBETI VICTORIA NDONGA,	:	
	:	
Plaintiff,	:	
v.	:	CASE NO. 7:14-cv-87-HL-MSH
	:	
ICE ATLANTA FIELD OFFICE,	:	
	:	
Defendant.	:	

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**ORDER**

Before the Court is Petitioner Mbeti Victoria Ndonga's Motion for Leave to Appeal *in forma pauperis* (IFP), filed on November 14, 2014. (ECF No. 22.) On August 25, 2014, this Court issued an Order dismissing Petitioner's Petition and denying her a certificate of appealability because she failed to make a substantial showing of the denial of a constitutional right. (ECF No. 15.) Petitioner filed a notice of appeal on September 5, 2014 (ECF No. 17) but failed to pay the appellate filing fee or move to proceed IFP on that appeal and the Eleventh Circuit dismissed the appeal for want of prosecution (ECF No. 20). Petitioner has now filed a second notice of appeal (ECF No. 21) and seeks leave to proceed IFP on appeal in the motion at bar.

Initially, the Court notes that Petitioner's notice of appeal is untimely. Rule 4(a) of the Federal Rules of Appellate Procedure requires that a notice of appeal be filed within sixty days after the entry of the judgment or order appealed from when the United States or a United States agency is a party. Fed. R. App. P. 4(a)(1)(B). The Court's Order and Judgment were entered on August 25, 2014. Petitioner therefore had until October 25, 2014 to timely file a proper notice of appeal. Petitioner did not file the pending notice until November 14, 2014. Petitioner's notice of appeal is therefore untimely.

As stated above, the Court previously denied Petitioner a certificate of appealability. (Order 2, Aug. 25, 2014.) Likewise, Petitioner's motion to proceed IFP should be denied because, in the Court's best judgment, an appeal from the Court's August 25, 2014 Order cannot be taken in good faith. 28 U.S.C. § 1915(a)(3). Having been carefully considered, Petitioner's motion to proceed *in forma pauperis* on appeal is therefore DENIED.

**SO ORDERED**, this 14th day of November, 2014.

*s/ Hugh Lawson*  
HUGH LAWSON, SENIOR JUDGE  
U. S. DISTRICT COURT - MDGA